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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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★ MAR 02 2012 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SLEEPY'S LLC,

Plaintiff,

- against -

MEMORANDUM & ORDER
07-CV-4018 (TCP) (ARL)

SELECT COMFORT WHOLESALE
CORPORATION, SELECT COMFORT
RETAIL CORPORATION, and SELECT
COMFORT CORPORATION,

Defendants.
-----X

PLATT, District Judge.


Before the Court are two motions: (1) Plaintiff's motion (ECF No. 678) for An Order Adopting the Special Master's Memorandum & Order (ECF No. 660); and (2) Defendant's motion (ECF No. 674) to Modify and Affirm Special Master's Memorandum & Order (ECF No. 660).

As the Defendant notes, "[t]he Court may 'adopt or affirm, modify, wholly or partly reject or reverse, or resubmit to the master with instructions.' However, the Court must decide de novo all 'objections to findings of fact' and 'all conclusions of law made or recommended by a master.' " Def.'s Mem. at 1, ECF No. 675 (citing Fed. R. Civ. Pro. 53(f)(1); (2)-(3)).

After reviewing the facts relevant to the Special Master's Order, the Court, for the reasons set forth in the Special Master's Memorandum & Order (ECF No. 660), **GRANTS** Plaintiff's motion (ECF No. 678) and **DENIES** Defendant's motion (ECF No. 674).

SO ORDERED.

Dated: ^{March}February 2, 2012
Central Islip, New York



Thomas C. Platt, U.S.D.J.